vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2620 OF 2005

Shivaji Pandurang Solave ... Petitioner

V/s.

Shri Vithal Sahakari Sakhar Karkhana Ltd. ... Respondent

Mr.Ravindra Nair for Petitioner
Mr.K.S. Bapat for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **OCTOBER 13, 2005**

P.C.:

. Rule. By consent of the parties, Rule made returnable forthwith and heard finally.

2. The order challenged in this Petition is passed by the appellate Court under the Bombay Industrial Relations Act. The appellate Court in a solitary paragraph has disposed off the appeal by observing that there was "no iota of evidence to disbelieve the finding" of the Labour Court.

3. The appellate Court under the Bombay Industrial Relations Act is expected to reappreciate the evidence which was led before the Labour Court in an application under section 78 of the Act. The appellate Court is

expected to consider not only the evidence on record but also the contentions raised by the parties. The appellate Court cannot, while observing that elaborate arguments were advanced, refuse to discuss the arguments. Reasons for accepting one or the other argument must be apparent from the order of the appellate Court. There is no discussion of the evidence and by passing a cryptic order, it has dismissed the appeal. The appellate Court has thereby obviously shirked its responsibility.

4. The impugned order is, therefore, set aside. The appeal is remanded for fresh hearing. The appellate Court is expected to reappreciate the evidence on record and to discuss the arguments advanced and to give reasons for arriving at its own conclusion. Petition is disposed off accordingly.